

# **EXHIBIT 55**

## **MAO DECLARATION OPPOSITION TO SUMMARY JUDGMENT**

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO

-----  
)  
ANIBAL RODRIGUEZ, et al., )  
individually and on behalf of )  
all others similarly situated, )  
)  
Plaintiffs, )  
) Case No.:  
vs. ) 3:20-CV-04688  
)  
GOOGLE LLC, et al., )  
)  
Defendant. )  
-----)

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Videotaped Deposition of  
ANIBAL RODRIGUEZ  
(Conducted Remotely)  
Sunday, October 16, 2022  
12:03 p.m. EDT

Job No.: 5516994  
Reported by: BRENDA MATZOV, CSR NO. 9243

Page 1

## CONFIDENTIAL

1 my -- my information have to do with me having 12:44:55  
2 directions? 12:44:59

3 Q. When you type an address into Google 12:45:00  
4 Maps, you're aware that that address goes to 12:45:04  
5 Google -- right? -- to Google servers? 12:45:08

6 A. I -- oh, probably. 12:45:12

7 Q. Is there somewhere else you think it 12:45:19  
8 might go besides to Google? 12:45:22

9 A. I don't know. I -- I'm not a -- a -- 12:45:25  
10 a web -- you know, I don't know anything about 12:45:28  
11 that. 12:45:33

12 Q. That's fair. 12:45:36

13 Okay. So assuming that Google gets 12:45:36  
14 your location or the address you type into Google 12:45:39  
15 Maps, under that assumption, but you have Web & 12:45:43  
16 App Activity off, do you think Google should 12:45:50  
17 be able to give you directions to get to that 12:45:54  
18 address that you've typed in? Let's say it's, 12:45:56  
19 like, a restaurant or -- or a friend's house. 12:45:59

20 A. Why -- why not? 12:46:04

21 I mean, again, I mean, what does that -- 12:46:06  
22 what does Maps have to do with my information? 12:46:07  
23 If I'm trying to get to McDonald's that's in -- 12:46:10  
24 possibly ten miles away and I put in "McDonald's," 12:46:15  
25 why do you need my information for me to get 12:46:20

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1       that address? 12:46:24

2           Q.    When you use Google Maps, do you ever 12:46:26

3       use the My Location feature? Like, the little 12:46:29

4       blue dot that tells you where you are? 12:46:32

5           A.    I may have in the past. But, no, I 12:46:37

6       mean, it -- it ought to -- it -- it will say my 12:46:41

7       location if -- if that's the case, it will say 12:46:44

8       my location. It already knows where I'm coming 12:46:48

9       from. 12:46:52

10          Q.    When you say "it," you mean Google 12:46:55

11       Maps, like, already knows your original -- 12:46:57

12       your origination location when you're -- 12:46:59

13          A.    Right. 12:47:01

14          Q.    -- trying to get to somewhere else? 12:47:01

15          A.    Right. 12:47:04

16          Q.    Do you ever use Google Maps to get 12:47:11

17       to places from your workplace? 12:47:13

18          A.    Yeah. 12:47:18

19          Q.    And how about from home? 12:47:20

20          A.    Yes. And if I'm looking for -- if 12:47:23

21       I need directions or to see how long a trip is 12:47:26

22       going to be, I -- I use it. 12:47:31

23          Q.    Okay. So I just want to take a step 12:47:43

24       back to something we were talking about earlier 12:47:46

25       when we were talking about Web & App Activity. 12:47:47

Page 43

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1 Q. Besides your Samsung S21, do you have 12:49:25  
2 any other smartphones? 12:49:27  
3 A. For myself? 12:49:30  
4 Q. Yes. 12:49:32  
5 A. No. 12:49:32  
6 Q. How about for anyone else in your family? 12:49:35  
7 A. My -- my wife has a smartphone and so 12:49:38  
8 does my son. 12:49:42  
9 Q. Do you have any tablets that you have 12:49:46  
10 access to? 12:49:48  
11 A. In the past, possibly. But I don't -- 12:49:52  
12 they -- they haven't been used in a long time. 12:49:54  
13 Q. Would you say they've been used in the 12:49:58  
14 last two years or so? 12:50:00  
15 A. No. 12:50:02  
16 Q. What about the last five years? 12:50:04  
17 A. Possibly, yes. These are old gifts for 12:50:10  
18 my kids. They weren't mine. 12:50:16  
19 Q. Okay. So earlier -- I just want to get 12:50:24  
20 some clarification on something you said a little 12:50:28  
21 bit earlier when we were first talking about the 12:50:30  
22 Web & App Activity button. 12:50:32  
23 You were saying one of the problems 12:50:34  
24 is that Google -- it's like somebody looking 12:50:35  
25 over your shoulder. 12:50:40

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1 A. Uh-huh. 12:50:41

2 Q. How do you -- how -- like, what part 12:50:41

3 of what Google does is like someone looking 12:50:44

4 over your shoulder? 12:50:50

5 A. Well, if -- when -- when someone's -- 12:50:51

6 when someone's looking over your shoulder, you 12:50:53

7 don't know they're doing it; right? 12:50:56

8 So if -- again, going back to WAA 12:50:58

9 being turned off. I'm assuming you're not 12:51:04

10 over my shoulder, but yet you are. Because 12:51:07

11 I -- that's what -- that's the control I have. 12:51:09

12 So by not having that control and 12:51:12

13 somebody's looking over your shoulder, it's 12:51:17

14 kind of, like, it's spooky, as if it -- if it 12:51:20

15 was in real life, when someone's looking over 12:51:21

16 your shoulder, it's -- it's spooky. What is 12:51:21

17 this person doing? 12:51:25

18 Q. I think you said part of the problem 12:51:29

19 is that Google is profiting off of what information 12:51:31

20 they're gathering. 12:51:36

21 How do you know that? 12:51:39

22 A. It -- because, I mean, that -- that's 12:51:41

23 something that's obvious. If -- if you have 12:51:45

24 free -- if you have free apps and -- it's not 12:51:47

25 free for a reason. You're making money somehow. 12:51:54

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1 Google is making money somehow. And it has to 12:51:57  
2 be off the data that you're collecting from us, 12:52:00  
3 because that's, like, the biggest thing. 12:52:03  
4 And so if -- especially, it's -- 12:52:07  
5 it's telling when you're -- if you have this 12:52:09  
6 information -- you're telling me you're gathering 12:52:13  
7 information. Why would -- why would the -- I 12:52:16  
8 mean, this information that you're gathering 12:52:17  
9 obviously is valuable to you. So by default, 12:52:20  
10 I would assume that you would be making money 12:52:25  
11 off this if this is valuable to you. 12:52:28  
12 Q. Have you ever tried to sell your 12:52:32  
13 personal information before? 12:52:35  
14 A. No. 12:52:37  
15 Q. You said it's obvious that Google 12:52:43  
16 is making money off of your information. 12:52:45  
17 Have you done any investigation into 12:52:50  
18 this? 12:52:53  
19 A. No. Like -- like, you know, I -- 12:52:54  
20 I spoke to my -- my attorney. We're -- we're 12:52:57  
21 looking into that. And they're investigating 12:52:59  
22 it. 12:53:03  
23 Q. Do you have any personal knowledge 12:53:06  
24 of Google making money off of your WAA off 12:53:09  
25 data that was collected through GA for Firebase? 12:53:13

Page 46



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1 MR. LEE: And just so you know, 12:53:19

2 Mr. Rodriguez, when she says "personal information," 12:53:19

3 I don't want you to talk about information you 12:53:20

4 learned from speaking to your attorneys. Okay? 12:53:23

5 THE WITNESS: Sure. 12:53:25

6 Can you repeat the -- the question? 12:53:25

7 BY MS. ARAKAKI: 12:53:29

8 Q. Sure. 12:53:29

9 Do you have any personal knowledge 12:53:29

10 of Google making money off of your data that 12:53:33

11 it collected while you had WAA off? 12:53:36

12 A. I do not. 12:53:40

13 Q. If Google -- so -- okay. 12:53:40

14 So we were talking about a list of 12:53:47

15 types of information you think Google should 12:53:50

16 not collect or receive if you have WAA off. 12:53:54

17 And -- and we talked about location, your 12:53:58

18 name, IP address, web history. 12:54:00

19 So let's just start with one piece, 12:54:05

20 your -- your -- and you said apps. So let's 12:54:08

21 start with that, apps. 12:54:14

22 If Google knows what apps you use and 12:54:15

23 knows what history or where -- what you've been 12:54:21

24 doing on each of the apps but doesn't do anything 12:54:24

25 with it, would you find that problematic? 12:54:28

Page 47

Page 48

1	Android phone, and see what happens from there.	14:12:21
2	Q. Let's turn to the WAA disclosure you	14:12:29
3	have in front of you.	14:12:31
4	Do you still have that there?	14:12:33
5	A. Yes.	14:12:34
6	Q. What date is the WAA disclosure dated?	14:12:39
7	Was it pulled from the website?	14:12:42
8	A. Yes. I'm not -- I'm not sure when	14:12:49
9	it was pulled or what date and time.	14:12:51
10	Q. Is there any date on the page?	14:12:53
11	A. No. I don't have a date on the page.	14:12:57
12	Q. Does it have any numbers on it at the	14:13:00
13	bottom, like a Bates number?	14:13:03
14	A. It does not.	14:13:04
15	Q. Did you print that out or was that	14:13:06
16	given to you?	14:13:08
17	A. It was given to me.	14:13:11
18	Q. Where in that disclosure do you think	14:13:16
19	Google said it would not collect any of your	14:13:23
20	information if WAA's off?	14:13:26
21	A. Well, it's not just here. We have	14:13:29
22	to go back to the Google privacy policy to get	14:13:30
23	to that. When you're in the Google privacy	14:13:34
24	policy, again, it says:	14:13:39
25	"When you use our services, you're	14:13:40

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1 trusting us with your information. We understand" 14:13:43

2 that "this is a big responsibility and" hard 14:13:45

3 work "to protect your information and put you 14:13:50

4 in control." (As read.) 14:13:52

5 Okay. So it's -- I -- I'm having control. 14:13:52

6 And then it does on the -- in the privacy policy 14:13:56

7 as well, it does also say -- and, again, I'm reading 14:14:01

8 off the privacy policy, just -- just so you know. 14:14:05

9 "Our services include:" 14:14:07

10 "Google apps, sites, and devices, like 14:14:09

11 Search, YouTube," Home -- "Google Home." (As read.) 14:14:11

12 "Platforms like Chrome browser," the 14:14:14

13 "Android operating system." (As read.) 14:14:16

14 "Products that are integrated" with 14:14:20

15 "third-party apps and sites, like ads and embedded 14:14:21

16 Google Maps." (As read.) 14:14:24

17 And it also goes on. If you look 14:14:24

18 a little bit lower, it does say: 14:14:28

19 "And across our services, you can 14:14:30

20 adjust your privacy settings to control what 14:14:32

21 we collect and how your information is used." 14:14:35

22 So by that, I would -- you know, I 14:14:38

23 would just go to our privacy controls. And -- 14:14:41

24 and I'm going -- my privacy controls are on 14:14:44

25 a different page here. And I'm looking -- it's 14:14:49

Page 95

CONFIDENTIAL

1 going to be -- I'm not sure if it's page 9 or 14:14:51  
2 something like that. 14:14:54  
3 But, anyways, if -- it's -- if -- if 14:14:54  
4 I'm going through my privacy controls, I'm going 14:14:56  
5 to go where it says activity controls. Okay? 14:14:59  
6 On there, again, "Privacy Controls," it says: 14:15:01  
7 "Go to Activity Controls." 14:15:04  
8 When you go to "Activity Controls," 14:15:06  
9 it takes you straight to the WAA disclosure. 14:15:07  
10 So if I am reading this and you're saying I'm 14:15:09  
11 in control of what data, information that I'm 14:15:18  
12 sharing and it tells me that, across all of 14:15:23  
13 our services, you -- I can adjust my privacy 14:15:28  
14 settings so I can control what you collect and 14:15:31  
15 how my information is used, when I go to the 14:15:34  
16 WAA disclosure, it does tell me when -- and it 14:15:43  
17 also says that I can control -- see and control 14:15:46  
18 my web activity. 14:15:50  
19 So I do know -- and I see here that 14:15:51  
20 when WAA is on, information that you are using 14:15:55  
21 or -- or collecting when WAA is on, it does 14:16:01  
22 say -- in part of here, it says, when Web & 14:16:06  
23 App Activity is on, you can include additional 14:16:08  
24 activities like sites and Maps and part -- that -- 14:16:13  
25 that partner with Google to show ads, your Chrome 14:16:15

Page 96

CONFIDENTIAL

1 browsing history, Android usage, and diagnostics. 14:16:20

2 Also -- and it does say here: 14:16:24

3 "To let Google save this information, 14:16:27

4 Web & App Activity must be turned on." 14:16:29

5 So if I say I don't want it on, I 14:16:33

6 would assume that everything that you're telling 14:16:38

7 me that comes along with it being on would be 14:16:40

8 turned off. 14:16:44

9 MR. LEE: And -- and for the record, 14:16:47

10 Lori, it looks like Mr. Rodriguez's WAA disclosure 14:16:49

11 page, the -- the Bates number was cut off. The 14:16:53

12 Bates number, for -- for the record, is 14:16:56

13 GOOG-RDGZ-00000120. 14:16:58

14 MS. ARAKAKI: Thank you. 14:17:11

15 And -- and we can do this at the next 14:17:11

16 break. But I'll just ask that we mark all of 14:17:14

17 these documents that he's been reading off of. 14:17:17

18 BY MS. ARAKAKI: 14:17:18

19 Q. Just for the record, Mr. Rodriguez, 14:17:18

20 were you just now reading off of only the WAA 14:17:18

21 disclosures? Or were you flipping between the 14:17:23

22 WAA disclosures and the privacy policy? 14:17:26

23 A. Yeah, so we -- my point was that your 14:17:29

24 question is answered, but we -- we can't just 14:17:34

25 look at the WAA disclosure. We have to go back 14:17:37

Page 97

CONFIDENTIAL

1 to the privacy policy to understand why anybody 14:17:39  
2 would think that, by turning off WAA, that the 14:17:46  
3 information that you're saying that, when it's 14:17:53  
4 on, that you're collecting would not be collected 14:17:56  
5 because it is turned off. 14:18:00

6 Q. Apart from the privacy policy and the 14:18:02  
7 WAA disclosure that's right in front of you, is 14:18:04  
8 there anything else Google has told you that gives 14:18:06  
9 you the under -- your understanding that, when 14:18:07  
10 WAA is off, none of your data will be received 14:18:10  
11 by Google? 14:18:14

12 A. I don't feel like I need to go 14:18:16  
13 anywhere else when the very first page of the 14:18:18  
14 Google policy -- privacy policy states that 14:18:21  
15 I'm in control. So if I'm reading, I'm going 14:18:23  
16 through the process, and I'm going, okay, great. 14:18:25  
17 So all I have to do is go to privacy settings 14:18:27  
18 and click on this and click on that and I'm 14:18:32  
19 good to go. 14:18:36

20 That's -- I mean, I -- I -- the -- 14:18:37  
21 the -- it's all together, the way I look at 14:18:38  
22 it. So if I'm reading one thing, it leads to 14:18:41  
23 the other. And it's actually linked together, 14:18:45  
24 if you click on the link. That's basically -- 14:18:46  
25 so I can't just look at just the disclosure by 14:18:48

Page 98